## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

SHERI BROCKINGTON,	)	
Plaintiff,	)	
v.	) ) 3:25-CV-160-KAC-D	CF
DUSK USA LLC,	)	
Defendant.	) )	

## ORDER TO SHOW CAUSE

Plaintiff filed this action on April 17, 2025 [See Doc. 1]. The same day, the Court issued a summons for Defendant Dusk USA LLC [See Doc. 3]. More than ninety (90) days have passed since Plaintiff initiated this action. Plaintiff, however, has failed to provide proof of service, which Federal Rule of Civil Procedure 4(l)(1) requires unless Defendant waives service under Rule 4(d). Defendant has not appeared in this action, nor is there any indication that Plaintiff has requested, let alone received, a waiver of service from Defendant under Rule 4(d). Rule 4(m) provides, in pertinent part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

Accordingly, the Court **ORDERS** Plaintiff to **SHOW CAUSE** why the Court should not dismiss Plaintiff's claims against Defendant without prejudice under Rule 4(m). Plaintiff **MUST** respond by <u>August 1, 2025</u>. The Court will view a failure to timely respond to this Order as a failure to prosecute Plaintiff's claims against Defendant, which will result in involuntary dismissal

of Plaintiff's claims under Federal Rule of Civil Procedure 41(b). *See* Fed. R. Civ. P. 41(b); *see also Schafer v. City of Defiance Police Dep't*, 529 F.3d 731, 736 (6th Cir. 2008) (citation omitted) (noting that Rule 41(b) "confers on district courts the authority to dismiss an action for failure of a plaintiff to prosecute the claim or to comply with the Rules or any order of the court"). SO ORDERED.

KATHERINE A. CRYAZER United States District Judge

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